

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KYLA ESTES,

Plaintiff,

v.

JUDGE REGINA S. CAHAN; JUDGE  
PALMER ROBINSON; and ANY AND  
ALL KING COUNTY SUPERIOR COURT  
JUDGES,

Defendants.

Case No. C14-1300RSM

ORDER DISMISSING COMPLAINT

THIS MATTER comes before the Court on *pro se* Plaintiff's Motion for Temporary Restraining Order (#5) filed in the above-captioned case. For the reasons set forth below, the Court DISMISSES Plaintiff's Complaint as frivolous.

Plaintiff brought two related matters before the Court alleging civil rights violations under 42 U.S.C. § 1983. *Estes v. LaVoi, et al.*, Case No. C14-1298RSM and *Estes v. Cahan, et al.*, Case No. C14-1300RSM. In the first Complaint, Plaintiff asserted numerous allegations against the father of her minor son and his family. *Estes v. LaVoi*, Case No. C14-1298RSM, Dkt. #3. The Court has dismissed that case for lack of subject matter jurisdiction.

1 In the instant Complaint, Plaintiff names as Defendants all King County Superior Court  
2 Judges, including Judge Regina Cahan and Judge Palmer Robinson, alleging that the Judges  
3 have not been performing their jobs correctly, and asking the Court to give her sole custody of  
4 her son; enter a variety of restraining orders against Mr. LaVoi and his family; and restrain all  
5 King County Judges from having any involvement in her custody matters. Dkt. #4 at 4.

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7 A federal court may dismiss a Complaint *sua sponte* pursuant to Fed. R. Civ. P.  
8 12(b)(6) when it is clear that the plaintiff has not stated a claim upon which relief may be  
9 granted. *See Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) (“A trial court  
10 may dismiss a claim *sua sponte* under Fed. R. Civ. P. 12(b)(6). . . . Such a dismissal may be  
11 made without notice where the claimant cannot possibly win relief.”). A complaint is frivolous  
12 when it has no arguable basis in law or fact. *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.  
13 1984). Under Federal Rule of Civil Procedure 8(a), “a claim for relief must contain . . . a short  
14 and plain statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ. P.  
15 8(a)(2). The Supreme Court has found that at a minimum, a plaintiff should state “enough facts  
16 to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544,  
17 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678,  
18 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009).

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21 The complaint need not contain detailed factual allegations, but it must contain more  
22 than “a formulaic recitation of the elements of a cause of action.” *Twombly*, 550 U.S. at 555  
23 (citation omitted); *Iqbal*, 556 U.S. at 678. The Rule 8(a) notice pleading standard requires the  
24 plaintiff to “give the defendant fair notice of what the . . . claim is and the grounds upon which  
25 it rests.” *Twombly*, 550 U.S. at 555 (internal quotation marks and citation omitted). “A claim  
26 has facial plausibility when the plaintiff pleads factual content that allows the court to draw the  
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1 reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at  
2 678 (citation omitted). “Plausibility” is “more than a sheer possibility that a defendant has  
3 acted unlawfully.” *Id.* (citation omitted). “Determining whether a complaint states a plausible  
4 claim for relief” is “a context-specific task that requires the reviewing court to draw on its  
5 judicial experience and common sense.” *Id.* at 679 (citation omitted). Allegations can be  
6 deemed “implausible” if there are “obvious alternative explanation[s]” for the facts alleged. *Id.*  
7 at 682.

9 In reviewing a complaint under these standards, the Court must accept as true the  
10 allegations of the complaint in question, *Hospital Building Co. v. Trustees of Rex Hospital*, 425  
11 U.S. 738, 740, 96 S. Ct. 1848, 48 L. Ed. 2d 338 (1976), construe the pleading in the light most  
12 favorable to plaintiff, and resolve all doubts in the plaintiff’s favor. *Jenkins v. McKeithen*, 395  
13 U.S. 411, 421, 89 S. Ct. 1843, 23 L. Ed. 2d 404 (1969). However, this tenet is “inapplicable to  
14 legal conclusions.” *Iqbal*, 556 U.S. at 678. “Threadbare recitals of the elements of a cause of  
15 action, supported by mere conclusory statements, do not suffice.” *Id.* (citation omitted).  
16 “While legal conclusions can provide the framework for a complaint, they must be supported  
17 by factual allegations.” *Id.* at 679.

20 Allegations in *pro se* complaints, “‘however inartfully pleaded’ are held ‘to less  
21 stringent standards than formal pleadings drafted by lawyers[,]’” and must be liberally  
22 construed. *Hughes v. Rowe*, 449 U.S. 5, 9, 101 S. Ct. 173, 66 L. Ed. 2d 163 (1980) (quoting  
23 *Haines v. Kerner*, 404 U.S. 519, 520, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972) (*per curiam*)); see  
24 also *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (citation omitted). A district court  
25 should not dismiss a *pro se* complaint without leave to amend unless “it is absolutely clear that  
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1 the deficiencies of the complaint could not be cured by amendment.” *Schucker v. Rockwood*,  
2 846 F.2d 1202, 1203-04 (9th Cir. 1988) (*per curiam*) (internal quotation marks omitted).

3 Applying these standards to the instant matter, the Court finds Plaintiff’s allegations to  
4 be deficient and frivolous. The Court acknowledges that bitter custody battles, such as this one  
5 appears to be, can take an extreme emotional toll on a family. The Court also acknowledges  
6 that Ms. Estes may not agree with the actions taken by the State court with respect to her son.  
7 However, she cites no facts demonstrating that she was denied her federal constitutional or  
8 statutory rights which would support a section 1983 Complaint. *See* Dkt. #4 at 2-3. Further,  
9 given the nature of the Complaint, it is also clear that these deficiencies cannot be cured by  
10 amendment.  
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12 Accordingly, the Court hereby finds and ORDERS:

13 (1) This matter, *Estes v. Cahan, et al.*, Case No C14-1300RSM, is DISMISSED.

14 (2) Plaintiff’s pending Motion for Temporary Restraining Order (Dkt. #5) is  
15 STRICKEN AS MOOT.  
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17 (3) The CLERK shall forward a copy of this Order to *pro se* Plaintiff by U.S. Mail.

18 (4) This case is now CLOSED.  
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20 DATED this 2 day of September 2014.

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23 RICARDO S. MARTINEZ  
24 UNITED STATES DISTRICT JUDGE  
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